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7 UNITED STATES DISTRICT COURT  
8 NORTHERN DISTRICT OF CALIFORNIA  
9 SAN FRANCISCO DIVISION  
10

11 UNITED STATES OF AMERICA,	)	No. CR 09-70015 EDL
	)	
12 Plaintiff,	)	<del>PROPOSED</del> ORDER DETAINING
	)	DEFENDANT PENDING TRIAL
13 v.	)	AS MODIFIED
	)	
14 VINCENT MERTES,	)	
	)	
15 Defendant.	)	
	)	
16	)	

17 The defendant, Vincent Mertes, was charged with bank robbery, in violation of 18 U.S.C.  
18 § 2113(a). The defendant made his initial appearance on January 23, 2009. On January 30,  
19 2009, the Court heard the United States' motion to detain the defendant without bail pending  
20 trial. The defendant, present and in custody, was represented by Anthony Brass. The United  
21 States was represented by Assistant United States Attorney Tarek J. Helou. The parties  
22 proceeded by proffer. The United States' proffers were based on evidence that the United States  
23 had produced to defense counsel before the hearing. Both sides had an opportunity before the  
24 hearing to review a report prepared by Pretrial Services.

25 After considering the evidence and the parties' arguments, the Court orders that the  
26 defendant be detained pending trial. The Court finds that the defendant poses risk of flight and a  
27 danger to the community.  
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1 Under 18 U.S.C. § 3142(e), the Court finds that no condition or combination of  
2 conditions will reasonably assure the defendant's appearance as required for the following  
3 reasons:

4 1. The defendant stated that if he knew he was going to be arrested on these  
5 charges, he would have fled to Mexico;

6 2. The defendant fled from probation officers who tried to arrest him in  
7 October, 2008;

8 3. The defendant stated that although he could spend a few months in prison,  
9 he would do what he had to do to avoid spending a longer time in prison (the defendant now  
10 faces up to 20 years in prison); and

11 4. The report prepared by Pretrial Services, which recommended detention,  
12 noted that the defendant had violated his parole at least eight times.

13 Although the defendant's family offered to post a secured bond and let the defendant live  
14 with them, those facts do not reasonably assure that the defendant will appear as required.

15 Under 18 U.S.C. § 3142(e), the Court also finds that no condition or combination of  
16 conditions will reasonably assure the safety of the community for the following reasons:

17 1. The defendant stated to a female that if they were going to be "Bonnie and  
18 Clyde," then the female would need to learn to drive, implying that he would rob more banks;

19 2. The defendant's prior record, as explained in the Pretrial Services report  
20 and as proffered by the United States, shows a conviction for sexual battery in a case stemming  
21 from his arrest for raping a 13 year-old girl when he was 19 years old;

22 3. The defendant implied that if he needed money, he would simply rob  
23 banks.

24 Based on the foregoing, the government's motion for detention is GRANTED. IT IS  
25 HEREBY ORDERED that:

26 1. The defendant be detained pending trial under 18 U.S.C. § 3142;

27 2. The defendant be, and hereby is, committed to the custody of the Attorney  
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1 General for confinement in a corrections facility separate, to the extent  
2 practicable, from persons awaiting or serving sentences or being held in custody pending  
3 appeals;

4 3. The defendant be afforded reasonable opportunity for private consultation  
5 with his counsel; and

6 4. On order of a court of the United States or on request of an attorney for  
7 the government, the person in charge of the corrections facility where the defendant is confined  
8 shall deliver the defendant to an authorized Deputy U.S. Marshal for the purpose of any  
9 appearance in connection with a court proceeding.

10 IT IS SO ORDERED

11 DATED: February 5, 2009

